

AMENDMENT
SERIAL NO. 10/032,202
Page: 11

Remarks

For the Information Disclosure:

The above-identified application is related to, and copending with, "Method For Providing A Current Location Of A Wireless Communication Device," by Rajamani Ganesh, U.S. Patent Application Serial Number 10/032,355. An Office Action, dated 9 July 2004, was recently received in connection with the copending application, Serial Number 10/032,355. A supplemental information disclosure statement citing all references revealed in the 9 July 2004 Office Action in the copending application (Serial Number 10/032,355), and all references listed in the supplemental information disclosure statement, are being submitted herewith for the Examiner's consideration.

For the Specification:

Applicant amends the specification beginning on page 1, line 5, to include the previously unknown serial number of the related, copending application. This amendment adds no new subject matter.

For the Claims:

Applicant submitted claims 1-25. This Office Action rejects claims 1-6, 15-17, 20, and 22, objects to claims 7-14 and 21 as being dependent upon rejected base claims, and allows claims 18, 19, and 23-25. Applicant cancels claim 6, amends claims 1, 7, and 13, and retains claims 2-5, 8-12, and 14-25 as originally submitted. Applicant respectfully requests reconsideration.

AMENDMENT

SERIAL NO. 10/032,202

Page: 12

This Office Action rejects claims 1-4, 6, and 17 under 35 U.S.C. 102(e) as being anticipated by *Thomas*, U.S. Publication No. 2003/0060212. *Thomas* teaches of techniques for location tracking, location utilization, and dissemination and management of location information. The Office Action alleges that *Thomas* teaches the invention of claims 1-4, 6, and 17.

Independent claim 1 is being amended to include the limitations of dependent claim 6. Consequently, claim 6 is being canceled. In addition, claim 7 is being amended to correct its dependency in response to the cancellation of claim 6. That is, claim 7 is being amended to now depend from claim 1. Claim 13 formerly, and inappropriately, depended from claim 6. Claim 13 is being amended herein to appropriately depend from claim 7.

Amended independent claim 1 now recites the determining operation includes compiling a call history log for the wireless communication device from a comprehensive call history database maintained by a service provider of the wireless communication network, the call history log including the location information.

Regarding the rejection of claim 6, now applicable to amended independent claim 1, this Office Action alleges that *Thomas* discloses the features of claim 6. This Office Action cites paragraph [0047], as the alleged teaching of Applicant's claimed compilation of a call history log.

Thomas discloses in paragraph [0047] an exemplary location table illustrated in FIG. 5B, and location information for each of the mobile devices being monitored. *Thomas* expressly teaches that each row in the exemplary location table contains information on a mobile device identifier, a current location, and a previous location. *Thomas* further mentions that the

AMENDMENT
SERIAL NO. 10/032,202
Page: 13

location database "can include much more historical information to keep a log of the locations of the mobile devices over an extended period of time." As stated in W.L. Gore & Associates v. Garlock Inc., 220 USPQ 303, 313 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984):

Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration.

The Thomas location table is not a teaching of compiling a call history log for the wireless communication device from a comprehensive call history database maintained by a service provider of the wireless communication network, the call history log including the location information. Nor is the broad statement regarding the inclusion of historical information a disclosure of compiling a call history log from a comprehensive call history database, as recited in claim 1. Consequently, Thomas fails to anticipate Applicant's invention of amended independent claim 1. As such, Applicant respectfully requests the withdrawal of the rejection of claim 1, as amended, under 35 U.S.C. 102(b). Claims 2-4 and 17 depend directly or indirectly from claim 1. Thus, Applicant respectfully requests the withdrawal of the rejection of claims 2-4 and 17 under 35 U.S.C. 102(b) for the reasons set forth above.

Nor is Applicant's invention of amended independent claim 1 rendered obvious in view of the Thomas methodology. In particular, it is improper to read obviousness into an invention on the basis of Applicant's teachings. Thomas discloses in paragraph [0027] that the location information may be obtained utilizing a Global Positioning Satellite (GPS) device within the mobile unit. Thomas also discloses that another method is to use location information obtained from a wireless network. However,

AMENDMENT

SERIAL NO. 10/032,202

Page: 14

this general statement fails to suggest that the location information is obtained in response to compiling a call history log, as recited in claim 1.

Network-based technologies for wireless communication device location generally encompass time difference of arrival (TDOA) techniques, which calculate the location of a wireless device based on the speed the radio frequency signal reaches multiple nearby antennas, and angle of arrival (AOA). With AOA, cell sites identify the direction from which a signal is coming and then plot the direction of the incoming call based on a reading from two cell sites. Consequently, the network has a "sense of location" of the wireless device whether or not the wireless device has participated in a call.

The collection of call records and maintenance of a comprehensive call history database is not related to wireless communication device location. Rather, a cellular service provider collects call-history information for a call in a comprehensive call history database of call records for the subscribers operating in the wireless communication network. These call records are utilized by the service provider for record keeping purposes, such as billing and for providing subscribers with enhanced services, such as last numbers dialed, caller ID, and so forth (Applicant's specification page 6, line 28, through page 7, line 16).

Applicant has discovered that these call records, presently accumulated in the comprehensive call history database, may be advantageously utilized to provide a concerned individual with approximate location information of a wireless communication device, hence its user. Moreover, since the comprehensive call history database is existing, service providers can readily, and

AMENDMENT

SERIAL NO. 10/032,202

Page: 15

cost effectively, implement this into a location information service.

Only Applicant teaches the use the comprehensive call history database for compiling a call history log that includes location information. That is, when *Thomas* is reviewed without the benefits of Applicant's disclosure it is readily apparent that *Thomas* fails to render obvious Applicant's invention of claim 1. Accordingly, for the reasons set forth above, Applicant believes amended independent claim 1 is allowable. Claims 2-5 and 7-17 depend directly or indirectly from amended independent claim 1. Consequently, claims 2-5 and 7-17 are believed allowable for the reasons set forth above.

This Office Action rejects claim 5 under 35 U.S.C. 103(a) as being unpatentable over *Thomas* in view of *Kall et al.*, U.S. Publication No. 2004/0058692 (hereinafter *Kall*). *Kall* teaches of a system that includes at least two different domains, both supporting location services. *Kall* further teaches of selecting a domain via which a location request is transmitted. This Office Action alleges that it would have been obvious to modify *Thomas* with a dialing number of the wireless communication device, as taught by *Kall*.

Claim 5 depends from claim 1. Thus, claim 5 is believed allowable for the reasons set forth above in connection with claim 1, notwithstanding a hypothetical combination of *Thomas* and *Kall*.

This Office Action rejects claims 15, 16, 20, and 22 under 35 U.S.C. 103(a) as being unpatentable over *Thomas* in view of *Negishi*, U.S. Patent No. 5,974,330. *Negishi* teaches of a microcellular portable telephone with current location display.

AMENDMENT
SERIAL NO. 10/032,202
Page: 16

Claims 15 and 16 depend directly or indirectly from claim 1. Thus, claims 15 and 16 are believed allowable for the reasons set forth above in connection with claim 1, notwithstanding a hypothetical combination of *Thomas* and *Negishi*.

Independent claim 20 includes the limitation of compiling a call history log for the wireless communication device from a comprehensive call history database maintained by the service provider, the call history log including the location information. Thus, independent claim 20 is believed allowable for the reasons set forth in connection with claim 1, notwithstanding a hypothetical combination of *Thomas* and *Negishi*. Claim 22 depends from claim 20. Thus, claim 22 is also believed allowable for the reasons set forth above.

Accordingly, this Amendment cancels claim 6 and amends claims 1, 7, and 13. Currently amended claims 1, 7, and 13 remain in the application and are believed to be allowable. In addition, claims 2-5, 8-12, 14-17, and 20-22 remain in the application as originally submitted and are believed to be allowable, and previously allowed claims 18, 19, and 23-25 remain in the application as originally submitted.

Applicant believes that the foregoing amendments and remarks are fully responsive to the rejections and/or objections recited in the 15 July 2004 Office Action and that the present application is now in a condition for allowance. Accordingly, reconsideration and allowance of the present application is

AMENDMENT

SERIAL NO. 10/032,202

Page: 17

respectfully requested. To the extent necessary a petition for extension of time under 37 C.F.R. § 1.136 is hereby made.

Respectfully submitted,



Joel Wall
Attorney for Applicant
Reg. No. 25,648

C/O Christian Andersen
Verizon Corporate Services Group Inc.
600 Hidden Ridge, HQE03H14
Irving, TX 75038
(972) 718-4800

CUSTOMER NUMBER: 32127